# LUKAS, McGOWAN, NACE & GUTIERREZ

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EX PARTE OR LATE FILED

September 19, 1997

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FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

(202) 828-8434

Willam F. Caton, Acting Secretary Federal Communications Commission 1919 M Street, N.W., Room 222 Washington, D.C. 20554

Re: <u>Ex Parte</u> Presentation; Broadband Personal Communications Services ("PCS") C and F Block Installment Payment Issues, WT Docket 97-82)

Dear Mr. Caton:

RUSSELL D. LUKAS

DAVID L NACE

PAMELA I. GIST

DAVID A. LAFURIA

TERRY J. ROMINE

J. JUSTIN McCLURE MARILYN SUCHECKI MENSE

GERALD S. McGOWAN

THOMAS GUTIERREZ

ELIZABETH R. SACHS

GEORGE L. LYON, JR.

MARJORIE GILLER SPIVAK

PAMELA GAARY HOLRAN

**B. LYNN F. RATNAVALE** 

+ NOT ADMITTED IN D.C.

Pursuant to Section 1.1206(a)(2) of the Commission's rules and on behalf of CONXUS Communications, Inc. is an original and one copy of letter which was sent via facsimile to the Chairman Hundt and Commissioners Quello, Chong, and Ness.

Kindly contact the undersigned, should you or your staff have any questions in regard to the enclosed materials.

Very truly yours,

Terry J. Romine

#### **Enclosures**

cc: Chairman Hundt (w/o enclosures)

Commissioner Quello (w/o enclosures) Commissioner Chong (w/o enclosures) Commissioner Ness (w/o enclosures)

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### **VIA FACSIMILE**

The Honorable Chairman Reed E. Hundt The Honorable Commissioner James H. Quello The Honorable Commissioner Rachelle B. Chong The Honorable Commissioner Susan Ness 1919 M Street, N.W. Washington, D.C. 20554

RE:

Ex Parte Presentation; Broadband Personal Communications Services ("PCS") C and F Block Installment Payment Issues, WT Docket 97-82

#### Dear Mr. Chairman and Commissioners:

CONXUS understands that the Commission is poised to adopt measures which will provide significant financial relief to the C Block and F Block broadband Personal Communications Services ("PCS") licensees. As you recall, CONXUS has advocated, through its various presentations to your office, that the Commission must provide proportionate relief to other similarly-situated licensees, such as narrowband PCS licensees which have installment obligations to the Commission, if the Commission affords any relief to the C Block and F Block broadband PCS licensees.

Based on reports of the measures which the Commission may adopt in its efforts to afford effective relief to the C Block and F Block broadband licensees, CONXUS is concerned that the Commission will provide significant financial relief to these broadband licensees that cannot be equally or proportionately be provided to narrowband PCS licensees. Thus, the Commission's regulatory decisions will competitively advantage the broadband PCS licensees to the significant competitive disadvantage of the narrowband PCS licensees. The Commission may "save" a majority of the C Block and F Block broadband licensees, but may signal the demise of small business narrowband PCS licensees.

CONXUS, as in the past, urges the Commission to ensure that any relief which it provides to the C Block and F Block broadband PCS licensees can be equally applicable to similarly-situated narrowband PCS licensees. Otherwise, the Commission effectively has anointed the broadband PCS service as the preferred wireless telecommunications service to the disadvantage of the nascent narrowband PCS service.

Respectfully submitted,

**CONXUS COMMUNICATIONS, INC.** 

Rv·

Gerald S. McGowan

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Bv:

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